

DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS 2170 SW Canal Street Stuart, FL 34997

ATTENTION OF

0 4 APR 2008

Palm Beach Gardens Regulatory Office SAJ-2008-562(SP-AAZ)

South Florida Water Management District

Attn: Mr. Larry Carter

3301 Gun Club Road

West Palm Beach, Florida 33406

Dear Mr. Carter:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- The date of commencement of the work,
- The dates of work suspensions and resumptions of work, if suspended over a week, and
 - The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit

> IT IS NOT LAWFUL TO DEVIATE FROM THE APPROVED PLANS ENCLOSED.

> > Sincerely,

David S. Hobbie Chief, Regulatory Division

DEPARTMENT OF THE ARMY PERMIT

Permittee: South Florida Water Management District

Attn: Mr. Larry Carter 3301 Gun Club Road

West Palm Beach, Florida 33406

Permit No: SAJ-2008-562(SP-AAZ)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to construct a sheet pile weir approximately 4,400 feet downstream of the S-65E gated Spillway Structure in the C-38 Canal. The project includes the installation of a steel sheet pile weir, cellular sheet pile, rubble rip rap, a concrete apron, and 25,000 cubic yards of earthen fill. The fill material will be placed within the C-38 Canal to construct cells to form an earthen dike, which would support the weir. To level the C-38 Canal bottom prior to construction, approximately 4,833 cubic yards of material would be dredged from the C-38 Canal bottom. Any non-reusable dredged material shall be disposed on the West Borrow Site, which is south of the confluence of the C-41A Canal and the C-38 Canal in a disturbed area. The West Borrow Site is owned by the South Florida Water Management District. The work described above is to be completed in accordance with the drawings affixed at the end of this permit instrument.

Project Location: The proposed project is located in waters of the United States within the C-38 Canal (Kissimmee River), Sections 28, 29, 30, 32, and 33, Township 37 South, Range 34 East, Okeechobee and Highlands County, Florida.

Latitude 27.2256° North Longitude 80.9626° West

<u>Directions to site</u>: From City of Okeechobee take SR 70 west (approximately 11 miles) to Rucks Dairy Road South. Continue on Rucks Dairy Road (approximately 1.5 miles) to Canal C-41A East. (approximately 3 miles).

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Permit Conditions

General Conditions:

- 1. The time limit for completing the work authorized ends on April 2, 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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Special Conditions:

- 1. Reporting Address: All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2008-562(SP-AAZ), on all submittals.
- Commencement Notification: Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Erosion Control:

- (a) Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
- (b) Reduction and/or elimination of turbid water conditions in adjacent water bodies and wetlands are to be achieved through the use of silt curtains or screens in the construction area during periods of fill placement.
- As-Builts: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 2) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:
- (a) A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (842-inch by 11-inch). The drawing should show

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all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

- (b) List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.
 - (c) The Department of the Army Permit number.
- (d) Include pre- and post-construction aerial photographs of the project site, if available.

5. Fill Material:

- (a) The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
- (b) The dredged spoil material and associated effluent shall be pumped to a self-contained temporary, bermed upland disposal site.

6. Endangered Species:

- (a) The permittee agrees to abide by the enclosed Eastern Indigo Snake Construction Precautions.
- (b) The permittee agrees to abide by the enclosed Standard Manatee Construction Conditions during all in-water work, including the installation and the removal of the navigational boat barriers. The permittee shall ensure that no manatees are within the area between the boat barrier and the S-65E Structure prior to installation of the barrier.
- (c) The permittee agrees to train all personnel working on the project site on threatened and endangered species

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identification for the crested caracara, the eastern indigo snake, and the West Indian manatee prior to any construction activities occurring.

- (d) The permittee agrees to not remove any of the 39 cabbage palm trees as indicated in the S-65E Weir Gopher Tortoise Burrow and Crested Caracara Survey dated March 11, 2008.
- 7. Historic Resources: No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; http://www.cr.nps.gov/nr/research/nris.htm. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

8. Navigation:

(a) The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause

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unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(b) To ensure navigation safety, a floating safety barrier shall be installed lakeside of the S-65E Weir Structure similar to the barrier depicted in Sheet 24 and 25 of 36. This barrier shall be installed, operated, and maintained in safe and proper working conditions by the SFWMD. The S65E weir shall be open and close in concert with the S65E Lock's openings and closures. The SFWMD Okeechobee Field Station shall install the boat barrier to the south of the weir within 24 hours of notification that the lock will close and shall remove the boat barrier within 24 hours of notification that the lock will reopen.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972(33 U.S.C. 1413).
 - 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.

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d. This permit does not authorize interference with any existing or proposed Federal projects.

- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTRE) Mr. In Mr. Larry Carter

South Florida Water Management District

LARRY CARTER
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Paul L. Grosskruger

Colonel, U.S. Army

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)	(DATE)		
(NAME-PRINTED)			
(ADDRESS)			
(CITY, STATE, AND ZIP CODE)	to deliver a second to a second second second second		

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Attachments to Department of the Army Permit Number SAJ-2008-562 (SP-AAZ)

- 1. PERMIT DRAWINGS: Thirty six (36) pages
- 2. AS-BUILT CERTIFICATION FORM: One page
- 3. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit.
- 4. EASTERN INDIGO SNAKE CONSTRUCTION PRECAUTIONS: One (1) page
- 5. STANDARD MANATEE CONSTRUCTION CONDITIONS: Two (2) pages
- 6. S-65E WEIR GOPHER TORTOISE BURROW AND CRESTED CARACARA SURVEY: Five (5) pages dated March 11, 2008



WATER MANAGEMENT DISTRICT SOUTH FLORIDA

PROJECT LOCATION

Advice Louge

GLADES, OKEECHOBEE AND HIGHLANDS COUNTIES

S-65E STRUCTURE STABILITY

TAILWATER WEIR

LAKE OKEECHOBEE

DESIGNED BY:



TAYLOR ENGINEERING INC.

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LOCATION MAP

PROJECT I.D. NO.

C-781

CONFIDENTIAL INFORMATION ENCLOSED

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ENSWEENING DEPARTMENT

APPROVED BY:

INDEX OF SHEETS

MICHAEL COLLINS CHARLES J. DAURAY SHANNON A. ESTENOZ MELISSA MEEKER

GOVERNING BOARD

NICOLAS J. GUTIERREZ, JR., ESQ.

PATRICK ROONEY
HARKLEY R. THORNTON
MALCOLM S. WADE, JR.

EXECUTIVE OFFICE CAROL WEHLE

11. ERRECTIONS - 2.

12. ENSTRUCT DESCRIPTIONS - 2.

12. ENSTRUCT DESCRIPTION - 24251 ROPERON 8571

13. WEST BORROWN STE SECTIONS 2

14. WEST BORROWN STE SECTIONS 2

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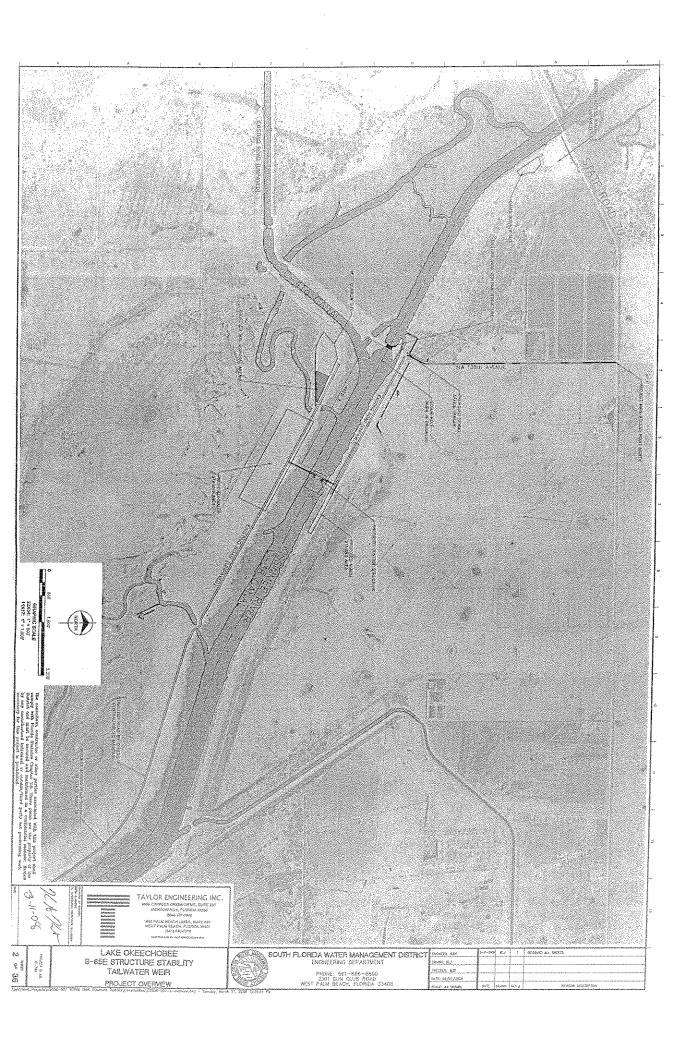
LAKE OKEECHOBEE S-65E STRUCTURE STABILITY TAILWATER WEIR



SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENGINEERING OEPARTMENT

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GENERAL NOTES

- 1. ELEVATIONS SHOWN HEREION ARE REFERENCED TO NOWD 29.
- HORIZONTAL COURSMATES ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NAO 1983. (2007 ACAUCHRENT).

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- 2. THE CONTRACTOR SHALL SECURE ALL TEMPORARY UTILITY EASEMBLITS REQUIRED PRIOR TO COMMENCING CONSTRUCTION.
- 3. COMPRACTOR SHALL PROVIDE DEWATDONG AS REQUIRED TO CONSTRUCT THE WIRK. ALL DESIGNATIONS PROVIDED FROM TO COMMENCING WORK. 4. ISE CONNECTING DALL VERRY THE ELEMANCH, THRES OF STRUCTURES, AND LOCATION OF EASING PARLITINES FRAME TO CONSTRUCTION. IF AN LOCISING FACULTY IS FRAME TO CONFECT WITH THE PROPOSED CONSTRUCTION UPOR TRANSMITTER FACULTY IN THE PROPOSED CONSTRUCTION UPOR THE CONTROL OF RECORD SO THAT REPROPRIET UNKNOWNES CAN BE TAKEN TO RESOLUCE.
- 5. THE CONTRACTOR SHALL NOTITY ALLACENT PROPERTY DISTRICTS 48 HOURS, FROM TO COMMENCING ART PORTION OF THE WORK TO BE PERFORMED QUIRNG OFF-PERK HOURS, (MIGHTS AND SUNDAYS)

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ENGINEER SUGGESTED CONSTRUCTED SEQUENCE CONTRACTOR TO CLEAR AND GRUB ALL AREAS REQUIRED FOR EQUIPMENT ACCESS AND MATERIAL STORAGE (AS REQUIRES).

- CONTRACTOR TO INSTALL WATER BYPASS (BANK SROSION PROTECTION) SYSTEM CONCURRENT WITH CITLLIAN SHRET PILE. COMPRACTOR TO INSTALL CELLULAR SHEET PILE IN CENTER OF CANAL
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TAYLOR ENGINEERING INC.

LAKE OKEECHOBEE S-65E STRUCTURE STABILITY TAILWATER WEIR



SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENGNEERING DEPARTMENT PHONE: 581-888-8880 3101 GUN CLUB MOAD WEST PALM BEACH, FLORIDA 33408

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GENERAL PROJECT NOTES

